

**REMARKS**

**Status of the Application**

Claims 1-21 have been examined in the current application. By this Amendment, Applicants are amending claims 1-21.

**Preliminary Matters**

Applicants thank the Examiner for initialing and returning the PTO SB/08 Form submitted with the Information Disclosure Statement of October 31, 2003. Applicants respectfully request the Examiner to acknowledge claims to foreign priority and receipt of the priority document filed October 31, 2003.

**DETAILED ACTION**

**Drawings**

The drawings are objected to under 37 CFR 1.83(a) as allegedly not showing every feature of the invention specified in the claims. The Examiner asserts that, “managing instant messaging between user entities must be shown or the feature(s) canceled from the claim(s)”. Applicants respectfully submit that “managing instant messaging between user entities” is not part of the Applicants’ claimed invention. Thus, Applicants respectfully submit that the Examiner withdraw the objections to the drawings.

**Claim Rejections - 35 USC 112**

*Claims 20 and 21 are rejected under 35 U.S.C. 112 because the phrase "use of the method" renders the claim allegedly indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.*

Applicants have amended the claims to improve clarity in a manner that is not believed to affect the scope of the claim in any way, and thus it is believed no estoppel is implicated by the

amendment to overcome the rejection. In view of the amendments, Applicants respectfully request that the Examiner withdraw the 35 U.S.C. 112 rejections.

**Claim Rejections - 35 USC 102**

*Claims 1, 5, 11 and 15 are rejected under 35 U.S.C 102(b) as being allegedly anticipated by Fukasawa et al. (US 7,058,705; hereinafter "Fukasawa"). Applicants respectfully traverse these rejections.*

***Claim 1***

Independent claim 1 recites, in part:

a device for controlling equipment management data in a communications network comprising a network management system capable of managing said equipment management data *using previously loaded management data modules.*

The Examiner cites the Abstract of Fukasawa, "in a device information management system in which a management server for managing device information and various devices are connected," as allegedly disclosing the above recited features. In Fukasawa, however, the device information management system utilizes device information that is transmitted at predetermined settings. (see Abstract). To the extent that the device information is continually updated, the device information management system would manage the system using newly loaded device information. (See col. 3, lines 22-25 and lines 31-34). Thus, Fukasawa does not disclose or suggest "a network management system capable of managing said equipment management data *using previously loaded management data modules*".

Independent claim 1 also recites, in part:

    said device comprises control means which when there is a request by said network management system to take over at least one new item of equipment management data in said communications network, extracts from said memory the management data module associated with said at least one new item of equipment.

The Examiner asserts, “to provide a control program for controlling the foregoing device information management system and a recording medium on which the control program has been stored, (column 2, line 1),” of Fukasawa as disclosing the above recited features. The control program of Fukasawa is based on the flow charts of FIGS. 6-10 (col. 10, lines 59-63). FIGS. 6-10 of Fukasawa, however, are directed to pre-existing devices which update or register device information with the device information management system. In the operation of the control program of Fukasawa, no new devices are incorporated and controlled by the information management system. Thus, Fukasawa, does not disclose or suggest “network management system to take over at least one new item of equipment management data in said communications network, to extract from said memory the management data module associated with said at least one new item of equipment” as recited in the claimed invention.

Independent claim 1 also recites, in part:

control means which...loads into said network management system each new management data module extracted, dynamically, so that the management by said network management system of said equipment management data in said communications network is not interrupted.

The Examiner asserts, “a plurality of device information of different types is transmitted to the management server at a predetermined timing, respectively, (column 2, line 5),” of Fukasawa as disclosing the above recited features. As shown in FIG. 8 of Fukasawa, S805 determines whether to register/update the dynamic information. S805 of Fukasawa, however, is implemented to reduce the traffic load on the network, but does not disclose or suggest, “management by said network management system of said equipment management data in said communications network is not interrupted” as recited in the claimed invention. Also, in Fukasawa, the user changes the registering/updating timing on the display panel or by a remote

operation (see col. 10, lines 23-25). As stated in Fukasawa, the dynamic information is registered into the directory server when the power source is turned on and when the dynamic information is changed (for example, when an error arises, when a status is changed, when there is no paper, when there is not much toner left, when the printing operation is started, when the printing operation is finished, or when an off-line arises). (see col. 10, lines 32-36). In Fukasawa, the dynamic information is registered independent of “equipment management data in said communications network is not interrupted”. Thus, Fukasawa does not disclose or teach that “the management by said network management system of said equipment management data in said communications network is not interrupted” as recited in the claimed invention.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of independent claim 1, and claims 2-9 at least by virtue of their dependencies.

**Claim 5**

A feature of claim 5 recites, in part:

control means loads management data modules according to at least a first mode in which said management data modules are loaded independently of dependencies between said management data modules and a second mode in which, in loading said management data modules, account is taken of the dependencies between them.

The Examiner asserts “The control program according to the invention can be loaded into the PC 200 shown in FIG. 2, (Column 16, line 52)” of Fukasawa as disclosing the above recited features. Loading the control program into the PC 200 of Fukasawa, however, merely states that the control program can be loaded onto a PC and executed but does not disclose “a first mode in which said management data modules are loaded independently of dependencies between said management data modules and a second mode in which, in loading said management data modules, account is taken of the dependencies between them”.

**Claim 11**

For the same reasons that claim 1 is patentable over the prior art, claim 11 is also patentable over the prior art. Claim 11 recites similar limitations as claim 1 but teaches a method of controlling equipment management data in a communications network. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of independent claim 11, and claims 12-19 at least by virtue of their dependencies.

**Claim 15**

For the same reasons that claim 5 is patentable over the prior art, claim 15 is also patentable over the prior art. Claim 15 recites similar limitations as claim 5 but teaches a method of controlling equipment management data in a communications network

**Claim 21**

Claim 21 recites, in part:

said network technologies are chosen from a group comprising:  
transmission networks comprising WDM, SONET and SDH type;  
data networks comprising Internet-IP and ATM type; and  
voice networks comprising conventional, mobile and NGN type.

The Examiner asserts that the “Internet” discloses the above recited features of claim 21. The “Internet” however does not disclose transmission networks comprising WDM, SONET and SDH type and voice networks comprising conventional, mobile and NGN type.

**Claim Rejections - 35 USC § 103**

*Claims 2-4 and 12-14 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Fukasawa as applied to claim 1 above, and further in view of Maekawa et al. (US 7,266,601; hereinafter “Maekawa”).*

*Claims 6-10 and 16-20 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Fukasawa as applied to claims 1 above, and further in view of Simonnet et al. (US Pub. No.: 2004/0210630; hereinafter “Simonnet”).*

**Claims 2 & 12**

A feature of claim 2 recites, in part:

to put said new management data module loaded on standby so as to continue the management of said prior version of the equipment from said old management data module, until said new version of the equipment is integrated.

The Examiner asserts that Maekawa teaches “to put said new management data module loaded on standby”, in citing column 5, line 21. Col. 5, line 21 in Maekawa, however, refers to either FIG. 1 or a color printer, either of which does not disclose “to put said new management data module loaded on standby”. Furthermore, Maekawa discloses a device monitoring module which monitors if an error has occurred in any network device (see col. 7, lines 46-49) but does not disclose “to put said new management data module loaded on standby”.

Thus, Applicants respectfully submit that Maekawa does not compensate for the deficiencies of Fukasawa, and thus, Maekawa and Fukasawa, alone or in combination, do not teach or suggest all of the features of claim 2. For the same reasons that claim 2 is patentable over the prior art, claim 12 is also patentable over the prior art.

Furthermore, there is no motivation or suggestion for the Examiner’s proposed combination of references. Applicants respectfully submit that one of ordinary skill in the art at the time of the presently-claimed invention would not have been motivated to combine Maekawa and Fukasawa as suggested by the Examiner because there is no suggestion of motivation for doing so in the references themselves or the knowledge available to one of ordinary skill in the art without resorting to impermissible hindsight. Also, the Examiner has not provided a reason for the combination of references. Thus, the only possible motivation for the Examiner’s proposed combination is Applicants’ own disclosure, the reliance on which constitutes

impermissible hindsight reconstruction under MPEP §2143 (see also *In re Vaeck*, 20 USPQ 1438 (Fed. Cir. 1991)).

**Claim 3 and 13**

Claim 3 recites, in part:

    said standby consists firstly of allowing the management of said new version of the equipment from said new management data module, without taking account of error messages *related to its non-integration in said communications network*, and secondly to send a message to said old management data module indicating that a change of version is under way and that said old management data module must not take account of at least some of the *error messages related to a conjoint management of the old and new versions of the equipment*.

The Examiner asserts that FIG. 9, S401-S406 of Maekawa discloses the above recited features.

The error status of Maekawa refers to deficient states of expendables such as paper, toner, ink and the like; service call error; or normal errors of the printer. (see col. 11, lines 40-44).

Maekawa, however, does not disclose that the error messages are “related to its non-integration in said communications network”.

Thus, Applicants respectfully submit that Maekawa does not compensate for the deficiencies of Fukasawa, and thus, Maekawa and Fukasawa, alone or in combination, do not teach or suggest all of the features of claim 3. For the same reasons that claim 3 is patentable over the prior art, claim 13 is also patentable over the prior art.

Furthermore, there is no motivation or suggestion for the Examiner’s proposed combination of references. Applicants respectfully submit that one of ordinary skill in the art at the time of the presently-claimed invention would not have been motivated to combine Maekawa and Fukasawa as suggested by the Examiner because there is no suggestion of motivation for doing so in the references themselves or the knowledge available to one of ordinary skill in the art without resorting to impermissible hindsight. Also, the Examiner has not provided a reason

for the combination of references. Thus, the only possible motivation for the Examiner's proposed combination is Applicants' own disclosure, the reliance on which constitutes impermissible hindsight reconstruction under MPEP §2143 (see also *In re Vaeck*, 20 USPQ 1438 (Fed. Cir. 1991)).

**Claim 4 & 14**

Claim 4 recites, in part:

said control means which, in a case of synchronisation between said new version of the equipment and said new management data module, deletes said old management data module.

The Examiner asserts that FIG. 1, element 100 of Maekawa discloses the above recited features. Element 100 of Maekawa, however, refers to a LAN and does not disclose the above recited features.

Thus, Applicants respectfully submit that Maekawa does not compensate for the deficiencies of Fukasawa, and thus, Maekawa and Fukasawa, alone or in combination, do not teach or suggest all of the features of claim 4. For the same reasons that claim 4 is patentable over the prior art, claim 14 is also patentable over the prior art.

Furthermore, there is no motivation or suggestion for the Examiner's proposed combination of references. It appears that the Examiner erroneously cites Simonnet in providing motivation for the combination of references. Simonnet, however, is not applicable to these claims as the Examiner intended Simonnet to be applied to claims 6-10 and 16-20, not claims 4 and 14. Thus, in regards to Maekawa and Fukasawa, Applicants respectfully submit that one of ordinary skill in the art at the time of the presently-claimed invention would not have been motivated to combine Maekawa and Fukasawa as suggested by the Examiner because there is no suggestion of motivation for doing so in the references themselves or the knowledge available to

one of ordinary skill in the art without resorting to impermissible hindsight. Also, the Examiner has not provided a reason for the combination of references. Thus, the only possible motivation for the Examiner's proposed combination is Applicants' own disclosure, the reliance on which constitutes impermissible hindsight reconstruction under MPEP §2143 (see also *In re Vaeck*, 20 USPQ 1438 (Fed. Cir. 1991)).

*Claims 6-10 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa as applied to claims 1 above, and further in view of Simonnet.*

Without commenting on the substantive merits of the Examiner's rejection, Applicants note that Simonnet was filed on April 17, 2003, which is after the November 4, 2002 priority date of the priority document France Patent Application No. 0213737. Thus, Applicants submit herewith a certified English translation of the priority document to perfect Applicants' claim to foreign priority. Therefore, Applicants note that the Simonnet reference no longer qualifies as prior art under 35 U.S.C. § 102, and hereby requests that the Examiner reconsider and withdraw the above rejection.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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